

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 SSO-00 L-02 INR-07 INRE-00 SS-15 SP-02

SCA-01 /040 W

----- 041486

O R 141940Z FEB 75

FM AMEMBASSY BERLIN

TO SECSTATE WASHDC IMMEDIATE 0404

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY VIENNA

USMISSION NATO

USMISSION USBERLIN

C O N F I D E N T I A L BERLIN 5244

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E.O. 11542: GDS

TAGS: CGEN, PFOR, GE, US

SUBJECT: HMG PROPOSES RECONVENING CONSULAR CONVENTION NEGOTI-
ATIONS WITH GDR

REF: A. STATE 033524; B. BERLIN 5132 C. BERLIN 5232

1. SUMMARY:THE BRITISH EMBASSY HERE INFORMED
US FEB. 14 THAT HMG HAS PROPOSED RECONVENING CONSULAR
CONVENTION NEGOTIATIONS WITH GDR IN BERLIN. WE ARE
INFORMED THAT BRITISH AMBASSADOR KEEBLE TOLD THIS TO
DEPUTY FOREIGN MINISTER MOLDT WITHIN PAST DAY OR SO.
IN SUGGESTING RECONVENING NEGOTIATIONS KEEBLE STATED
HMG PROPOSES TO ACCEPT GDR WORDING OF PARAGRAPH ON
NATIONALITY BUT AT SAME TIME PROPOSES TO EXCHANGE NOTES
WITH FRG AUTHORITIES WHICH GRANT TO FRG CONSULS
IN THE UNITED KINGDOM ACCESS TO GERMAN NATIONALS WHO
REQUEST IT. INITIAL RESPONSE BY MOLDT WAS CAREFUL,
AND HE DID NOT IN ANY WAY INDICATE WHAT GDR RESPONSE
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TO BRITISH PROPOSAL MIGHT BE. IT WAS AGREED IN THE

END THAT GDR REACTION TO BRITISH PROPOSAL ON NATIONALITY WOULD BE SENT THROUGH DIPLOMATIC CHANNEL BEFORE NEGOTIATIONS WERE RESUMED. END SUMMARY.

2. BRITISH EMBASSY COUNSELOR RHODES INFORMED POLITICAL OFFICER AND FRENCH DCM GESSELL, TOGETHER, FEB 14, THAT BRITISH GOVERNMENT HAD PROPOSED THROUGH AMBASSADOR KEEBLE A RECONVENING OF THE HMG-GDR NEGOTIATIONS ON A CONSULAR CONVENTION. PRESENTATION BY RHODES WAS FACTUAL, AND HE USED NOTES THROUGHTOUT IN ORDER TO AVOID ANY MINUNDERSTANDING. WE WERE NOT, HOWEVER, GIVEN ANY PIECE OF PAPER ON THE SUBJECT. RHODES NOTED THAT AMBASSADOR KEEBLE CALLED UPON DEPUTY SECRETARY MOLDT WITHIN PAST FEW DAYS, THAT KEEBLE'S SUGGESTIONS TO MOLDT WERE ALSO ORAL, AND THAT NO PAPER HAD BEEN GIVEN TO MOLDT.

3. RHODES SAID FOLLOWING POINTS WERE MADE BY AMBASSADOR KEEBLE IN HIS PRESENTATION: (A) HMG WOULD LIKE TO RESUME CONSULAR NEGOTIATIONS IN BERLIN ON A MUTUALLY AGREEABLE DATE. (B) HMG IS WILLING TO ACCEPT DEFINITION OF NATIONALITY CONTAINED IN THE GDR DRAFT OF THIS PROPOSED AGREEMENT. THEY WOULD IN EFFECT REMOVE THE BRACKETS AROUND THIS PARTICULAR PARAGRAPH WHICH HAD HERETOFORE SIGNIFIED THAT HMG HAD THE MATTER UNDER CONSIDERATION. (C) REFERENCE WAS MADE TO THE STATEMENT ON NATIONALITY MADE BY THE BRITISH SIDE IN THE LAST ROUND OF NEGOTIATIONS IN LONDON ON NOVEMBER 14. THIS STATEMENT (SEE REF B) IN EFFECT SAYS THAT, BECAUSE OF THE 1956 CONSULAR CONVENTION BETWEEN THE FRG AND HMG, HMG HAS ALREADY ACCEPTED THE DEFINITION OF A GERMAN NATIONAL CONTAINED IN ARTICLE 116 OF THE FRG GRUNDGESETZ. THIS MEANS IN PRACTICE THAT FRG CONSULAR OFFICIALS IN THE UNITED KINGDOM WILL BE GIVEN ACCESS TO ANY GERMAN WHO HAS REQUESTED IT. (D) HMG PROPOSES TO EXCHANGE NOTES WITH FRG AUTHORITIES TO SPELL OUT ACCESS OF FRG CONSULS TO GERMANS WHO REQUEST IF IN UK. IT IS PROPOSED THAT THIS EXCHANGE OF NOTES TAKE PLACE AFTER THE CONSULAR CONVENTION ITSELF IS CONFIDENTIAL

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CONCLUDED, I.E., WITHIN A DAY OR SO AFTER CONCLUSION.

4. ACCORDING TO RHODES, MOLDT MADE CAREFUL NOTES OF BRITISH AMBASSADOR'S STATEMENTS. MOLDT STATED THAT THE GDR AUTHORITIES WOULD HAVE TO CONSIDER THE BRITISH PROPOSAL AND THAT HE WOULD LET THE BRITISH KNOW WHEN THE EAST GERMANS WERE READY TO RESUME NEGOTIATIONS. MOLDT REPORTEDLY SAID THAT THE GDR GOVERN-

MENT HAD A PROBLEM WITH ANY QUALIFICATION OF THE TEXT OF THE PROPOSED CONVENTION AS SUGGESTED BY THE BRITISH SIDE. HE COULD NOT SPEAK FOR HIS AUTHORITIES, HOWEVER, BUT SATISFIED HIMSELF WITH NOTING THAT THE GDR BELIEVES THAT ARTICLE 116 OF THE GRUNDGESETZ IS CONTRARY TO INTERNATIONAL LAW. MOLDT CONCLUDED BY EXPRESSING HIS THANKS FOR BEING INFORMED BY AMBASSADOR KEEBLE ABOUT THE BRITISH PROPOSAL TO EXCHANGE NOTES WITH FRG AUTHORITIES. MOLDT APPARENTLY SAID THAT THIS WAS AN INDICATION OF GOOD FAITH AND CORRECT BEHAVIOR

ON BEHALF OF THE BRITISH GOVERNMENT IN THESE NEGOTIATIONS.

5. AMBASSADOR KEEBLE RESPONDED TO MOLDT'S STATEMENTS BY SAYING THE UK SIDE BELIEVED THAT THE PROPOSAL IT WAS MAKING WAS A REASONABLE ONE. AT THE SAME TIME HMG IS AWARE OF THE GDR VIEWPOINT REGARDING ANY QUALIFICATION OF THE CONSULAR CONVENTION TEXT. KEEBLE REFERRED SPECIFICALLY TO THE STATEMENT MADE BY GDR CHIEF NEGOTIATOR KLOBES ON NOV. 15 IN WHICH KLOBES STATED THAT THE GDR COULD NOT ACCEPT AS VALID ANY QUALIFICATION OF THE LANGUAGE ON NATIONALITY WHICH OCCURRED OUTSIDE THE CONVENTION TEXT ITSELF. AMBASSADOR KEEBLE FURTHER PROPOSED THAT THE GDR RESPONSE ON THE NATIONALITY QUESTION BE SENT BACK THROUGH DIPLOMATIC CHANNELS BEFORE NEGOTIATIONS WERE RECONVENED. THE BASIS FOR THIS PROPOSAL WAS KEEBLE'S CONTENTION THAT THE GROUP OF PEOPLE REQUIRED TO COMPLETE NEGOTIATIONS ON OTHER PARTS OF THE TREATY WOULD BE SPECIALISTS AND WOULD NOT BE CONCERNED WITH THE NATIONALITY QUESTION. MOLDT APPARENTLY AGREED TO

THIS PROPOSAL. KEEBLE THEN EXPLAINED THAT THE EXCHANGE
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OF NOTES BETWEEN HMG AND FRG WOULD TAKE THE FORM OF AN HMG RESPONSE TO A NOTE ALREADY RECEIVED FROM THE FRG ON THIS MATTER. THE BRITISH WOULD STATE THE POSITION GIVEN ABOVE IN ITS NOTE TO THE FRG AND WOULD ACCEPT A SIMPLE FRG NOTE IN RESPONSE WHICH STATED THAT FRG AUTHORITIES HAD TAKEN COGNIZANCE OF THE BRITISH STATEMENT AND WOULD CONFIRM THAT IT WAS ACCEPTABLE TO THEM.

6. COMMENT: HMG HAS OBVIOUSLY DECIDED TO TRY TO CONCLUDE ITS NEGOTIATIONS WITH THE GDR OVER A CONSULAR CONVENTION AS SOON AS POSSIBLE AND BEFORE THE US-GDR NEGOTIATIONS ARE CONCLUDED. RHODES WOULD NOT SPECULATE ON WHAT HE THOUGHT THE GDR'S RESPONSE TO THE BRITISH PROPOSAL ON NATIONALITY WOULD

BE. WE WERE GIVEN TO UNDERSTAND, HOWEVER, THAT AMBASS-
DORKEEBLE IN TALKING WITH MOLDT STRONGLY IMPLIED THAT,
WITHOUT SUCH ACCEPTANCE BY THE GDR, A CONSULAR CON-
VENTION BETWEEN THE TWO GOVERNMENTS SEEMED IMPOSSIBLE.
SEE REF C)

7. THE CONVERSATION AT THE BRITISH EMBASSY OCCURRED BEFORE RECEIPT
OF REFERENCE A. WE WILL, OF COURSE, INFORM THE
BRITISH EMBASSY HERE AS SUGGESTED. COOPER

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, NEGOTIATIONS, CONSULAR MEETINGS, CONSULAR AGREEMENTS, NATIONALITY
Control Number: n/a
Copy: SINGLE
Draft Date: 14 FEB 1975
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BERLIN05244
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750055-0113
From: BERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750243/aaaabmmn.tel
Line Count: 178
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: STADIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: STADIS
Reference: A. STATE 033524; B. BERLIN 5132 C. B, ERLIN 5232
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 04 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 APR 2003 by BoyleJA>; APPROVED <07 APR 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: HMG PROPOSES RECONVENING CONSULAR CONVENTION NEGOTIATIONS WITH GDR
TAGS: CGEN, PFOR, GC, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006